



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, April 13, 2011

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Annette Lewis, Grif Chalfant, Johnny Sinclair, Van Pearlberg,
Rev. Anthony Coleman, Jim King, and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:03 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Philip M. Goldstein to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the pledge of allegiance.

PRESENTATIONS:

20110240 Service Award

Presentation of a Service Award to Roy L. Shults for his service and dedication on the Board of Zoning Appeals.

Not Present

20110241 Service Award

Presentation of a Service Award to Millard W. Slayton for his service and dedication on the Board of Zoning Appeals.

Not Present

20110256 Graduates of the spring 2011 Citizens' Government Academy are

Frank Baltz	Michelle Kelly
Ginny Baltz	Larry Landis
Barbara Baldwin	Donna Landis
George Bentley	Trevor Leonard
Walter Boyd	Martir Machado
Angell Brown	Linda Morneau
Paola Cardenas	Bob Norton
Marilyn Carney	Barbara Norton
Bob DuPriest	Melissa O'Neil
Sheila DuPriest	Patty Powers
Karen Hinton	Andrew Thompson
Carol Holley	William Vazquez
April Hunter	Tricia Veller
Colin Hunter	Yea Yang

Presented

PROCLAMATIONS:**20110186 Alcohol Awareness Month April 2011**

Mayor Tumlin presents a Proclamation to Judge Stedman recognizing April 2011 as Alcohol Awareness Month helping to raise community awareness and to encourage citizens to join with the Cobb Alcohol Taskforce in efforts to reduce underage and youth binge drinking rates in our community.

Presented

20110255 Helen Ruffin Reading Bowl Championship

Mayor Tumlin presents a Proclamation to Dr. Emily Lembeck, Marietta High School Superintendent and Mrs. Leigh Colburn, Marietta High School Principal, recognizing Marietta High School students who won state championship for the Helen Ruffin Reading Bowl held at the University of Georgia.

Presented

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE
MAYOR, COUNCIL AND/OR CITY MANAGER:**

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Tumlin briefly explained the consent agenda process. The following amendments were made to the consent agenda:

- under Minutes: Agenda item 20110307 was removed from the consent agenda.*
- under Judicial/Legislative: Agenda item 20110152 was added to the consent agenda, with the Approval of Version 1 of the Ordinance to amend Section 8-4-600 and the deletion of paragraph two and three of the ordinance.*
- under Other Business: Agenda item 20110263 was removed from the agenda. Agenda item 20110310 was removed from the consent agenda.*

Mayor Tumlin opened the public hearing for agenda item 20110064 regarding the amendment to the Tree Protection and Landscaping ordinance. City Attorney Douglas Haynie swore in those wishing to speak.

Hugh McKenan spoke regarding agenda item 20110064 regarding the amendment to the Tree Protection and Landscaping ordinance.

Mayor Tumlin closed the public hearing. He then opened the public hearing for all other items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member King, seconded by Council member Sinclair, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

with the following exception:

Council members Lewis and Goldstein abstaining on agenda items 20110308 and 20110309

Council member Goldstein abstaining on agenda item 20110220.

MINUTES:

20110307

Regular Meeting - March 9, 2011

Review and approval of the March 9, 2011 regular meeting minutes.

Motion to approve the March 9, 2011 regular meeting minutes, with an amendment on page 10 regarding a disclosure submitted by Council member Goldstein.

A motion was made by Council member Sinclair, seconded by Council member King, that the matter be Approved as Amended. The motion carried by the following vote:

Vote: 5 - 1 - 1

Approved as Amended

Voting Against: Van Pearlberg

Abstaining: Philip M. Goldstein

- * **20110308** **Special Called Meeting - March 29, 2011**
- Review and approval of the March 29, 2011 special called 5:15 p.m. meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 5 - 0 – 2 Approved
Abstaining: Annette Lewis and Philip M. Goldstein

- * **20110309** **Special Called Meeting - March 29, 2011**
- Review and approval of the March 29, 2011 special called 8:30 p.m. meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 5 - 0 – 2 Approved
Abstaining: Annette Lewis and Philip M. Goldstein

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

- * **20110226** **Board of Appeals- Construction, Building, Electric and Plumbing**
- Reappointment of Gordon Brans (Ward 3), Chris Poston (Ward 4), and Allen Worthy (Ward 5) to the Board of Appeals - Construction, Building, Electric, and Plumbing for a term of five (5) years.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

- * **20110229** **Board of Lights and Water (BLW)**
- Reappointment of Bruce E. Coyle to the Board of Lights and Water (Resident Member), for a four (4) year term expiring May 11, 2015.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

- * **20110257** **Marietta Development Authority**
- Reappointment of Steven F. McNeel (Post 1) and Ed Hammock (Post 2) to the Marietta Development Authority for a term of two (2) years.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

ORDINANCES:

- * **20110064** **CA2011-03 [CODE AMENDMENT] Amending the Comprehensive Development Code regarding Division 712, Section 712.08 Tree Protection and Landscaping**

Ord 7528

Approval of an Ordinance CA2011-03 [CODE AMENDMENT] amending the Comprehensive Development Code of the City of Marietta, Division 712 (Supplementary Use Regulations) Section 712.08 (Tree protection and landscaping).

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson**

- * **20110220** **Urban Redevelopment Plan**

Resolution approving a request from the Marietta Housing Authority to amend the Urban Redevelopment Plan to include Henderson Arms Development and surrounding properties.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 1

Approved

Abstaining: Philip M. Goldstein

- * **20110238** **Housing Choice Voucher Program Annual Plan Approval**

Resolution approving the FY2012 Annual Plan for the City of Marietta Housing Choice Voucher Program.

Public Hearing Required

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

CDBG Slum and Blight Demolition Approval

Resolution approving the use of FFY'08 CDBG Slum and Blight Clearance funds for the demolition of eight (8) properties on the attached list.

- * 20110267 **This Matter was Approved on the Consent Agenda.**

Vote: 7 - 0 – 0 Approved

2. Finance/Investment: Annette Lewis, Chairperson

- * 20110258 **Tree Compliance Fund**

[Ord 7529](#)

Approval of an Ordinance amending the Fiscal Year 2011 Tree Preservation Fund budget to receive and appropriate a donation from R.H. Ledbetter Properties, Inc.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

- * 20110268 **Authorization of Advertisement**

Motion to authorize advertisement of proposed changes to Division 714, Section 714.03 Signs exempt from permit regulations, Section 714.05 Special Conditions, and Section 714.06 Prohibited Signs.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

- 20110152 **Amending City Code Part 8 (Business Licenses, Occupational Taxes, and Regulations)**

[Ord 7530](#)

Approval of an Ordinance to amend Section 8-4-600, Denial/Revocation for Non-Payment of Business Licenses, Occupational Taxes, and Regulations.

Approval of Version 1 of the Ordinance to amend Section 8-4-600, with the deletion of paragraph two and three of the ordinance.

This Matter was Approved as Amended on the Consent Agenda.

Vote: 7 - 0 – 0 Approved as Amended

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

5. Personnel/Insurance: Van Pearlberg, Chairperson

- * 20110252 **Employment Agreement**

Motion to approve the amended Employment Agreement with William F. Bruton, Jr., City Manager.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

6. Public Safety Committee: Anthony Coleman, Chairperson**7. Public Works Committee: Jim King, Chairperson***** 20110248****Naming Non-Street Keith School Lane**

Motion to dedicate Keith School Lane as a public one-way street having a 25 mile per hour speed limit and a 30 foot wide right of way as described on the attached Keith School Lane Right of Way Description and Right of Way Sketch.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20110250****Franklin Road LCI Project Framework Agreement**

Motion to approve the Franklin Road LCI Project Framework Agreement detailing the costs and matching funds for the project.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20110251****Electric Car Space on the Square**

Motion to approve request to designate electric vehicle only parking space on East Park Square.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

SCHEDULED APPEARANCES:**UNSCHEDULED APPEARANCES:**

Barbara Norton, who resides at 84 Polk Street, expressed concern about a "round-about" planned for Polk Street at Mountain View Road.

Larry Wills, who resides at 60 Oakmont Drive, also spoke regarding the "round-about" planned for Polk Street at Mountain View Road.

Michael Helnick, who resides at 234 Grambling Street, expressed concern regarding agenda item 20110267 approving a resolution to use CDBG Slum and Blight Demolition funds.

OTHER BUSINESS:**20110244****V2011-13 The Neon Zone, Inc., (Mohomad Rohoman), 1200 Franklin Road**

Motion to approve the following variances for property located in Land Lot 07140, District 17, Parcel 0050 and being known as 1200 Franklin Road.

1. Variance to allow a pylon sign.
2. Variance to increase the allowable height for a freestanding sign from 10' to 26' 6".
3. Variance to increase the allowable sign face area from 50 s.f. to 154 s.f.
4. Variance to exclude the address numbers on the sign.

A motion was made by Council member Goldstein to allow the applicant to withdraw their request for variances, as requested. The motion died for lack of a second.

Development Services Director, Brian Binzer, presented information regarding the variance request submitted by The Neon Zone, Inc.

Discussion was held.

Motion to Deny the variance request.

The motion was made by Council member Chalfant, seconded by Council member Sinclair, that this matter be Denied. The motion carried by the following vote:

Vote: 6 - 0 - 1 Approved to Deny
Abstaining: Philip M. Goldstein

20110263

Request for Proclamation

Approval of a Proclamation for Lemon Street School with signatures from all members of council as requested by Council Member Anthony Coleman.

Tabled

*** 20110342**

390 Roswell Street

Motion authorizing the exchange of Permanent Landscape Easement and Temporary Construction Easement at 390 Roswell Street with Corn Enterprises for the purpose of constructing the Roswell Street Widening from Olive Street to Merritt Street project.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

Mayor Tumlin disclosed that his law firm has represented Corn Enterprises regarding other legal issues and abstains from any discussion regarding this matter.

*** 20110343**

547 Roswell Street

Motion authorizing the exchange and acquisition of right-of-way and property at 547 Roswell Street with Masonic Temple for the purpose of constructing the Roswell Street Widening from Olive Street to Merritt Street project in exchange for \$2,917.05.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

20110310

BLW Actions of April 11, 2011

Review and approval of the April 11, 2011 actions and minutes of the Marietta Board of Lights and Water.

Motion to approve the April 13, 2011 BLW Actions, with the exception of BLW agenda item 20110293.

A motion was made by Council member Goldstein, seconded by Council member King, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved as Amended

A motion was made in open session by Council member Coleman, seconded by Council member Lewis, to enter an Executive Session to discuss personnel matters. The motion carried by the following vote:

Vote: 4 - 3 - 0

Approved

Voting Against: Van Pearlberg, Jim King and Grif Chalfant

A motion was made by Council member Lewis, seconded by Council member Sinclair, to reconsider the previous matter regarding executive session. The matter carried by the following vote:

Vote: 7 - 0 - 0

Approved

Council Coleman withdrew the motion to enter Executive Session. Council member Lewis withdrew the second to the motion.

ADJOURNMENT:

The meeting was adjourned at 8:20 p.m.

Date Approved: 05/11/11

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk